

SIGN – CHAPTER 34

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CHAPTER 34 - SIGN ORDINANCE

Section 34-100. STATEMENT OF PURPOSE. The purpose of this ordinance is to protect and promote the public health, safety, and welfare within the City by the establishment of comprehensive standards, regulations, and procedures governing the erection, use or display of devices serving as visual communications media; to promote and preserve aesthetics within the City; to preserve the residential character of residential neighborhoods; to preserve order and cleanliness; to avoid the appearance of clutter; to avoid litter and the growth of weeds around signs; to provide for necessary visual communication, to preserve and promote a pleasant physical environment, to protect public and private property, and to encourage safety upon the streets and highways within the City of Brooklyn Center by preserving sight lines and reducing distractions to motorists; and to reduce administrative burdens, by regulating the type, number, structure, size, location, height, lighting and the erection and maintenance of all outdoor signs and sign structures within said City. The City Council finds that off-premise advertising signs constitute traffic safety hazards and are unattractive. The provisions of this Chapter regulating off-premises advertising signs are consistent with other efforts within the City to enhance aesthetics and promote traffic safety, such as regulations pertaining to solid waste disposal, anti-littering, and traffic safety.

Section 34-110. DEFINITIONS. The language set forth in the text of this ordinance shall be interpreted in accordance with the following definitions. Words used in the present tense shall include the future; words used in the singular shall include the plural and the plural includes the singular.

Billboard – See Off-Premises Advertising Sign.

Building – Any structure erected for the support, shelter, or enclosure of persons, animals, chattels or movable property of any kind.

Business – Any establishment, occupation, employment or enterprise wherein merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

Canopy – An accessory roof-like structure either attached to or detached from a permitted building, open on all sides, other than where attached; which is located over and designed to provide cover for entrances, exits, walkways, and approved off-street vehicle service areas (such as gasoline stations, drive-in establishments, and loading berths).

Dwelling – A building, or portion thereof, designed or used predominantly for residential occupancy of a continued nature, including one-family dwellings, two-family dwellings, and multiple family dwellings; but not including hotels, motels, commercial boarding or rooming houses, tourist homes, and trailers.

Dwelling Unit – A single residential accommodation which is arranged, designed used or intended for use exclusively as living quarters for one family; must include complete, permanently installed, kitchen facilities. Where a private garage is structurally attached, it shall be considered as a part of the building in which the dwelling unit is located.

Dwelling, One-family – A residential building containing one dwelling unit.

Dwelling, Two-family – A residential building containing two dwelling units.

Dwelling, Multiple-family (Apartment or Flat) – A residential building or portion thereof containing three or more dwelling units.

Establishment – Any of the following definitions shall apply:

1. A distinct business entity situated in a single building;
2. A distinct business entity located in a structure attached to other similar structures by common walls and ceilings or floors, or attached by means of an enclosed arcade;
3. A distinct business entity contained within a single structure and not separated by walls or other physical barriers, but made distinct due to its existence as a single lease space and operation by separate entrepreneurs or by its singularity of purpose (such as clothing sales, furniture sales, and so on) carried on by a single or separate proprietors.

Family – Any of the following definitions shall apply:

1. Any person or persons related by blood, marriage or adoption, together with his or their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit;
2. Group or foster care of not more than six (6) wards or clients by an authorized person or persons, related by blood, marriage, or adoption, together with his or their domestic servants or gratuitous guests, all maintaining a common household in a dwelling unit approved and certified by the appropriate public agency;
3. A group of not more than five (5) persons not related by blood, marriage or adoption maintaining a common household in a dwelling unit.

Floor Area, Gross – The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings. In particular, gross floor area shall include:

1. Basement space, if more than fifty percent of its story height is above the average level of the finished grade.
2. Elevator shafts and stairwells at each floor.

3. Floor space used for mechanical equipment where the structural headroom exceeds seven and one-half feet, except equipment open or enclosed, located on the roof, i.e., bulk needs, water tanks and cooling towers.
4. Attic floor space where the structural headroom exceeds seven and one-half feet.
5. Interior balconies or mezzanines where the structural headroom exceeds seven and one-half feet.
6. Enclosed porches, but not terraces and breezeways.
7. Accessory uses, other than that floor space devoted exclusively to accessory off-street parking or loading.

Home Occupation – Subject to the further limitations of Section 35-405 of the Zoning Ordinance, a home occupation is any gainful occupation or profession, carried on within a dwelling unit, by a family member residing within a dwelling unit, which is clearly incidental and secondary to the residential use of the dwelling unit and the lot upon which it is constructed, including, without limitation, dressmaking, secretarial services, professional offices, answering services, individual music or art instruction, individual hobby crafts, and day care and similar activities.

Home Occupation, Special – Subject to the further limitations of Section 35-406 hereof, and subject to approval by the City Council, a special home occupation is any gainful occupation or profession carried on within a dwelling unit or any permitted accessory buildings or installations on a lot, by a family member residing within the dwelling unit, which is clearly incidental and secondary to the residential use of the dwelling unit, the accessory structures, and the lot upon which it is constructed, including, without limitation, barber and beauty services, shoe repair, photography studios, group lessons, saw sharpening, motor driven appliances and small engine repair, and similar activities.

Industry – An enterprise which involves the production, assembly, processing or storage of materials, goods or products.

Lot – A lot is a parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description, as on a subdivision or record of survey map, or by metes and bounds, for the purpose of sale or lease or separate use thereof.

Lot Line – A property boundary line of any lot held in single or separate ownership.

Off-Premise Advertising Sign – A sign that directs attention to a business, commodity, service, or entertainment not exclusively related to the premises on which the sign is located or to which it is affixed.

Public Uses – Uses, facilities and properties owned or operated by a school district, a municipality, county, state, or other governmental units, and any religious institutions such as churches, chapels, temples, synagogues and mosques.

Roof Line – That line at which an exterior wall surface of a building structure departs from a vertical plane.

Rummage Sale – The infrequent temporary display and sale, by an occupant on his or her premises, of personal property, including general household rummage, used clothing and appliances, provided: the exchange or sale of merchandise is conducted within the residence or accessory structure; the number of sales does not exceed four (4) per year; the duration of the sale does not exceed three (3) consecutive days; any related signery shall conform with the sign ordinance provisions; and the conduct of the sale does not encroach upon the peace, health, safety, or welfare of the citizens of Brooklyn Center.

Setback – The minimum horizontal distance from a building, hedge, fence, wall or structure to the street or lot line.

Sign – Any publicly displayed message-bearing device for visual communication or any attention attracting device that is used for the purpose of bringing the subject thereof to the attention of the public including, but not limited to, any mural, writing, pictorial presentation, number, illustration, decoration, flag, banner, pennant, symbol, valance or similar display.

Sign, Campaign – A temporary sign promoting the candidacy of a person running for a governmental office or promoting a position on an issue to be voted on at a governmental election.

Sign, Canopy – An identification sign affixed to a canopy or marquee. Such identification signery shall be considered a type of wall sign provided the canopy (or marquee) and the sign upon it meet the requirements of Section 34-140.3. In other cases, canopy signs shall be considered either roof signs or freestanding signs and are interchangeable with such signs.

Sign, Development Complex – A freestanding sign identifying a multiple building development, such as a shopping center, a planned industrial park or office development which is controlled by a single owner or landlord.

Sign, Directional – A sign, the primary function of which is to provide locational directions.

Sign, Dynamic Message – A dynamic messages sign, “DMS,” also known as a changeable messages sign, variable messages sign or other similar name, is an electrical or electro mechanical sign on which a message may be placed which can be changed remotely or on site through hard wire or wireless communications.

Sign, Flashing – Any illuminated sign on which the artificial light or color is not maintained at a constant intensity or color when such sign is in use including signs incorporating zooming, twinkling, sparkling, fading or chasing actions. A Dynamic Message Sign or that portion of a sign providing public service information such as time, weather, date, temperature or similar information shall not be considered to be a flashing sign.

Sign, Freestanding – A sign which is not affixed to any part of any building and which is rather supported by upright braces or posts placed in the ground.

Sign, Gross Surface Area of – The maximum projected area as viewed from any point, calculated as follows: A polygon with a single continuous perimeter whose sides are made up of straight lines (which in no case pass through or between any adjacent elements of the sign and whose interior angles are each less than 180 degrees). However, such perimeter shall not include any structural elements (forms, braces, posts, etc.) lying outside the limits of such sign surface and not forming an integral part of the display.

Sign, Identification – A sign, the primary function of which is to identify an establishment located upon the premises where such sign is located, or to which such sign is affixed. Signs identifying industrial establishments may secondarily call attention to the products, goods or materials which are produced, processed, assembled, or stored upon the premises.

Sign, Illuminated – Any sign upon which artificial light is directed or which has an interior light source.

Sign, Informational – Any sign which conveys information and which cannot be classified as a directional or identification sign.

Sign, Noncommercial Opinion or Expression – A sign which does not advertise products, goods, businesses or services and which expresses an opinion, statement or point of view.

Sign, Portable – A sign so designed as to be movable from one location to another and not permanently attached to the ground or to any immobile structure. A portable sign may consist of a mobile structure such as a semi-truck trailer or other device whose primary function during a specific time period is to serve as a sign.

Sign, Projecting – A sign which is affixed to the wall of a building and extends outward from the building wall.

Sign, Roof – A sign erected or attached in whole or in part upon the roof of a building, or a nonfreestanding sign which projects above the roof line of a respective building.

Sign, Rotating – A sign or portion of a sign which turns about on an axis.

Sign, Structure – The supports, uprights, bracing and framework for a sign including the sign surface itself. In the case of a wall sign, the sign surface constitutes the sign structure. In the case of a sign structure consisting of two or more sides, where the interior angle formed between any of the sides exceeds 15 degrees each side shall be considered a separate sign structure.

Sign, Temporary – A sign which is erected or displayed for a limited period of time.

Sign, Wall – A sign which is affixed upon and parallel to the wall of a building.

Street Line – The common boundary line of a street right-of-way and abutting property.

Use – The purpose or activity for which the land or building thereon is designated, arranged or intended, or for which it is occupied or maintained.

Section 34-120. NONCONFORMING USES. Any sign legally existing on the effective date of this ordinance which does not conform to the requirements set forth in this ordinance shall become a nonconforming use.

Nonconforming, permanent signs shall be allowed to continue but shall not be rebuilt, materially altered, or relocated without being brought into compliance with the requirements of this ordinance, except that any flashing portion shall be discontinued within 30 days after the effective date of this ordinance.

Section 34-130. PROHIBITED SIGNS.

1. Signs that, by reason of position, shape, or color would interfere with the proper function of a traffic sign or signal.
2. Signs within the public right-of-way or easement; provided, however, that the following signs in the public right-of-way or easement are not prohibited:
 - a. government installed signs.
 - b. signs denoting an architect, engineer, contractor, or owner meeting the requirements of Section 34-140.2.d.
 - c. campaign signs meeting the requirements of Section 34-140.2.f.
 - d. real estate signs meeting the requirement of Section 34-140.2.l.1.
 - e. rummage sales signs meeting the requirements of Section 34-140.2.m.
 - f. noncommercial opinion or expression signs meeting the requirements of Section 34-140.2.n
3. Signs that resemble any official marker erected by a governmental agency or that display such words as "Stop" or "Danger".
4. Flashing signs including indoor signs which are visible from the public streets and rotating signs.
5. With the exception of searchlights which may be approved in conjunction with an Administrative Permit as provided in Section 35-800 of the City Ordinances, no rotating beam, beacon or flashing illumination shall be used in connection with any display.

6. Signs or sign structures that obstruct any window, door, fire escape, stairway or opening intended to provide ingress or egress for any building structure. With reference to commercial and industrial districts, signs painted on the inside glass portion of windows or doors are permitted.
7. Banners, pennants, streamers, balloons, stringers or similar attention attracting devices, unless approved in conjunction with an Administrative Permit as provided in Section 35-800 or unless authorized by Section 34-140.2.m or 2.o of the City Ordinances.
8. Sign posters that are tacked or posted on trees, fences, utility poles or other such supports.
9. Portable signs, except as provided in Section 34-140.2.f unless approved in conjunction with an Administrative Permit as provided in Section 35-800 of the City Ordinances.
10. Roof signs except as provided in Section 34-140.3.A.1.
11. Off-Premises Advertising Signs except as otherwise permitted by Section 34-140 and Section 35-800 of the City Ordinances. Signs advertising a business no longer operating on the premises shall be deemed off-premises advertising signs and must be abated in accordance with Section 34-140.1.j.
12. Signs painted directly on building walls.
13. All other signs not expressly permitted by this ordinance.
14. Signs painted on a commercial vehicle which is parked at a commercial premises in such a manner as to constitute a static display advertising a business, product or service to the traveling public and which is not making a pickup or delivery or being appropriately stored on the premises.

Section 34-140. PERMITTED SIGNS.

1. General Requirements and Standards for Permitted Signs
 - a. Where a sign is illuminated, the beam of light shall not shine directly upon any part of a residence or into the street.
 - b. No projecting sign shall:

project more than 96 inches out from the wall to which it is attached;

extend above the roof line;

exceed the area of a freestanding sign which might be permitted according to Table 34-A of this ordinance.

- c. Any sign or sign structure which may be, or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the licensee, owner, or agent of the owner of the property upon which the sign stands upon written notice of City Manager or his agent.
- d. No part of any permanent freestanding sign shall be closer than 10 feet to the side lot line.
- e. No part of any sign shall project over or beyond the property line of the property upon which the sign is located.
- f. Unless set back ten (10) or more feet from the street right-of-way line, the supporting column (s) of a freestanding sign exceeding 16 feet in area shall not materially impede vision between a height of two and one-half (2-1/2) and seven and one-half (7-1/2) feet above the centerline grade of the street. Freestanding signs located within the sight triangle defined in Section 35-560 shall have a minimum vertical clearance of 10 feet above the centerline grade of the intersecting streets.
- g. Permitted freestanding signs or wall mounted or projecting signs located in any zoning district may not rotate and must remain stationary.
- h. When electrical signs are installed, their installation shall be subject to the City's electrical code.
- i. Wall Signs on office buildings shall be of a uniform design compatible with the exterior appearance of the building.
- j. When the occupant of a building or parcel ceases to use the property and abandons the site or building space, all signery associated with the former occupant shall be removed. It shall be the responsibility of the property owner to effect the removal of such signery and any support structure. If the owner of the property fails to remove all obsolete signery within 90 days after the former occupant vacates the premises, the City shall be entitled to have such signery removed, either by its own forces or by hire of a licensed sign contractor and the cost of such removal shall be assessed against the property. The owner of the property shall receive written notice of the City's intent to remove obsolete signery at least 30 days prior to the action.
- k. A dynamic messages sign "DMS," is permitted only in the C2, I-1 and I-2 Districts. A DMS is also subject to the requirements of Section 34-140.3.A of this ordinance. A DMS message must remain constant for at least two seconds

when such sign is in use.

1. A dynamic messages sign “DMS,” with a Public Use in all districts where they are allowed shall be approved by a special use permit, which procedure for approving said permit shall be the same as forth in Section 35-220 of the Ordinances of the City of Brooklyn Center. A DMS is also subject to the requirements of Section 34-140.3.D of this ordinance.

2. Permitted Signs Not Requiring a Permit.

- a. Identification signs for one and two family dwellings provided that such signs are less than two (2) square feet in area. (Note: Home occupation signs are covered by Section 34-140.3.C.1.)
- b. Wall and freestanding site, pedestrian, vehicular traffic, parking and other appropriate types of directional signs as approved by the Zoning Official, provided such signs are less than sixteen (16) square feet in area, and have a height no greater than 15 feet or ground floor height, whichever is less.
- c. Traffic control signs, noncommercial governmental signs, legal notices, railroad crossing signs and temporary nonadvertising safety or emergency signs.
- d. Signs denoting the architect, engineer, contractor, or owner when placed upon a respective worksite and not exceeding an aggregate of forty-eight (48) square feet in area. All such signs shall be removed ten (10) days following completion of construction. Signs permitted by this paragraph 2.d shall not be erected or maintained in the public right-of-way or easement; provided, however, that signs that do not exceed six (6) square feet in area may be erected or maintained in the public right-of-way or easement if they are at least ten (10) feet back from the back of the curb or improved edge of a roadway and at least two (2) feet back from the improved edge of a trail or sidewalk and are in conformance with Section 35-560.
- e. Copy or message changing on a printed or painted sign which is permitted by this ordinance.
- f. Portable and freestanding campaign signs for a period of not more than sixty (60) days before and ten (10) days after an election provided no one sign is greater than sixteen (16) square feet in area, except that there shall be no limitation on the size of campaign or other noncommercial signs during the period from forty-six (46) days before the state primary in a state general election year until ten (10) days following the state general election. Freestanding campaign signs may be installed only upon private property with the permission of the property owner who shall be responsible for removal thereof. The candidate whose candidacy is promoted by an improperly placed or otherwise illegal campaign sign shall be

held responsible therefor.

Signs must be at least ten (10) feet back from the back of the curb or improved edge of a roadway and at least two (2) feet back from the improved edge of a trail or sidewalk and outside of the sight triangle defined in Section 35-560.

- g. Signs or posters painted on or attached to the inside of a display window. This shall include illuminated signs, but not flashing signs.
- h. Flags, badges, or insignia of any government or governmental agency, or of any civic, religious, fraternal or professional organization. Commercial and industrial establishments may display a single flag consisting of the official corporate seal or insignia as identification of the individual establishment. Advertising or promotion of specific products or services is prohibited unless approved in conjunction with an administrative permit as provided in Section 35-800.
- i. Emergency signs required by other governmental agencies.
- j. Temporary displays which are erected to celebrate, commemorate, or observe a civil or religious holiday.
- k. Courtesy bench signs, provided they are installed and maintained by a person, firm or corporation licensed by the City Council.
- l. Real Estate signs as follows:
 - 1. Temporary freestanding or wall signs for the purpose of selling or leasing individual lots or entire buildings provided that such signs shall not exceed six (6) square feet in area for residential property and thirty-two (32) square feet for other property and that there shall be only one such freestanding or wall sign permitted for each property. The sign must be removed within ten (10) days following the lease or sale.

Temporary freestanding off-site real estate signs announcing an "open house" or similar activity for the purpose of showing or displaying a home for sale are permitted provided:

 - a. The off-site sign is located on privately-owned residential property and there is no objection to the display of the sign on the part of that property owner;
 - b. The off-site sign is displayed only during the time of the "open house" or showing;

- c. The size of the off-site sign shall not exceed three (3) square feet in area.

Signs permitted by this paragraph 1.1 shall not be erected or maintained in the public right-of-way or easement; provided, however, that signs that do not exceed six (6) square feet in area may be erected or maintained in the public right-of-way or easement, if they are at least ten (10) feet back from the back of the curb or improved edge of a roadway and at least two (2) feet back from the improved edge of a trail or sidewalk and outside of the sight triangle defined in Section 35-560.

2. A temporary freestanding sign for the purpose of announcing or promoting a new residential, commercial or industrial project development, provided that each residential project contains at least six (6) dwellings or lots. Further provisions are that one such sign is permitted for each major thoroughfare the project abuts; the signs shall be located at least one hundred thirty (130) feet from any pre-existing home; the signs are removed within two (2) years of issuance of the first building permit in the project or when the particular project is ninety (90) percent sold out or rented, whichever is sooner; and each sign shall not exceed the following size limitations:

Project area under 10 acres - 48 square feet

Project area over 10 acres - 320 square feet

3. Signs for the purpose of leasing or selling portions of commercial or industrial buildings, such as offices or individual tenant areas, are permitted only when buildings are less than 95% occupied and are limited to one freestanding or wall sign per street frontage. The size of signs shall be no greater than 32 sq. ft. and freestanding signs shall be no higher than 10 ft. above ground level.
4. Signs for the purpose of leasing or selling dwelling units within a multiple family dwelling are permitted only when vacancies exist and are limited to one freestanding or wall sign per street frontage. The size of signs shall be no greater than six sq. ft. unless the complex contains more than 36 units and is adjacent to a major thoroughfare in which case the sign may be up to 32 sq. ft. in area. The maximum height of freestanding signs shall be 10 ft. above ground level.

5. All signs permitted by this section of the ordinance shall be maintained in an appropriate manner so that the message is clearly legible. Sign structures must be maintained in accordance with Section 34-140.1.c of this ordinance.

m. Rummage Sale Signs as follows:

1. A temporary on-site sign not exceeding six (6) square feet in area, identifying the location of and/or information relating to a rummage sale. Banners, pennants, streamers, balloons, stringers or similar attention attracting devices may also be displayed on the property where the sale is being conducted. The sign and other devices may be displayed for the duration of the sale only, and must be removed at its termination.
2. Temporary off-site signs not exceeding six (6) square feet in area, indicating the location and/or time of a rummage sale may be located on other residential property (not commercial, industrial or public property) provided that property owner's permission has been obtained to display such signery. These signs may be displayed for the duration of the sale only, and must be removed at its termination.
3. Rummage sale signs must conform in all other respects with the provisions of this ordinance.
4. Signs must be at least ten (10) feet back from the back of the curb or improved edge of a roadway and at least two (2) feet back from the improved edge of a trail or sidewalk and outside of the sight triangle defined in Section 35-560.
5. The front or back of the sign must state, in clear, legible letters, the name of the person conducting the rummage sale, the address of the rummage sale, and the dates of the rummage sale.
6. The rummage sale to which the sign relates must meet the requirements of the definition of rummage sale in Section 34-110.

n. Noncommercial opinion or expression signs as follows:

1. One such sign not to exceed six (6) square feet in area is allowed on private residentially zoned or used property, with the consent of the property owner, provided it is not an illuminated sign and is erected and maintained in accordance with Section 34-140.1 and is not otherwise prohibited by Section 34-130 of the City Ordinances.

2. Any single sign or signable area allowed on a site which is devoted to any commercial or industrial use may be used, in lieu of other signage permitted under this ordinance, as a noncommercial opinion or expression sign.
 3. Signs must be at least ten (10) feet back from the back of the curb or improved edge of a roadway and at least two (2) feet back from the improved edge of a trail or sidewalk and outside of the sight triangle defined in Section 35-560.
- o. Decorative banners attached to or hung from light standards or similar structures provided they are no larger than 16 sq. ft. in area, contain no commercial advertising message or logo, product identification nor are intended for advertising purposes and must be maintained in a safe manner and in good condition so as not to be faded, torn, tattered or be in an unsightly condition.
 - p. Signs that are works of public art as follows:
 1. The sign must be approved, established and maintained by the state or federal government or their agencies, the City of Brooklyn Center, a public school district, Hennepin County or Three Rivers Park District.
 2. The sign must be located entirely on the property of the state or federal government or their agencies, the City of Brooklyn Center, a public school district, Hennepin County or Three Rivers Park District.
 3. The sign must not be visible from a property within 125 feet of the sign that is zoned for residential use.

3. Permitted Signs Requiring a Permit

A. Commercial (C2) and Industrial (I-1 and I-2) Districts

1. Wall Signs and Projecting Signs

a. Individual Establishments

Individual detached establishments or enterprises not clustered in a shopping center complex or in a multitenant office or industrial building may have wall signs and projecting signs on each wall, provided the aggregate area of such signs does not exceed 15% of the area of the wall supporting the signs.

b. Clustered Establishments

Attached establishments or enterprises clustered in a shopping center complex or in a multitenant office or industrial building may have wall signs and projecting signs subject to the following:

- i. Each establishment or enterprise may have such signs on each of its exterior walls, provided the aggregate area of such signs does not exceed 15% of the wall supporting the signs;
- ii. In lieu of the above, the aggregate of the establishments or enterprises may have a wall or projecting sign on each wall identifying the tenants collectively, or identifying the complex or building; provided the area of each sign does not exceed 15% of the area of the wall supporting it.
- iii. Each establishment or enterprise located within an enclosed shopping center mall may have signs on exterior walls identifying tenants separately and/or collectively, or identifying the complex or building; provided the aggregate area of the sign or signs does not exceed 10% of the area of the wall supporting it.

c. Multistory Office Buildings

Multistory office buildings may have a wall or projecting sign identifying the building on each wall provided such sign does not exceed 10% of the area of the wall supporting the sign.

2. Freestanding Signs

a. Individual Establishments

Individual detached establishments or enterprises not clustered in a shopping center complex or in a multitenant office or industrial building may have one freestanding sign according to the following schedule. In the event such establishments abut two or more streets which are at least collector or arterial in character, and if the abutment on each street exceeds 400 feet, one freestanding sign may be erected along each such street according to the following schedule:

TABLE OF PERMITTED FREESTANDING SIGN AREAS & HEIGHTS
TABLE 34A

<u>Building Gross Floor Area Square Feet</u>	<u>Maximum Sign Area Square Feet</u>	<u>Maximum Sign Height (Above 1st Flr.) Feet</u>
Up to 2200	90	24
2201 to 2400	96	24
2401 to 2600	104	24
2601 to 2800	112	24
2801 to 3000	120	24
3001 to 3200	128	24
3201 to 3400	135	24
3401 to 3600	140	24
3601 to 4000	145	24
4001 to 4400	150	24
4401 to 5000	155	25
5001 to 5600	160	25
5601 to 6500	165	25
6501 to 7500	170	25
7501 to 9200	175	26
9201 to 11,600	180	26
11,601 to 14,400	185	26
14,401 to 16,200	190	26
16,201 to 17,600	195	27
17,601 to 18,800	200	27
18,801 to 19,800	205	28
19,801 to 20,600	210	28
20,601 to 22,000	220	29
22,001 to 23,000	230	30
23,001 to 24,000	240	31
Above 24,000	250	32

b. Clustered Establishments

The aggregate of attached establishments or enterprises clustered in a shopping center complex or in a multitenant office or industrial building may have a single freestanding sign according to Table 34A based upon the aggregate floor areas of the establishments. In the event such establishments abut two or more streets which are at least collector or arterial in character, and if the abutment on each such street exceeds 400 feet, one freestanding sign may be erected along each such street.

c. Outdoor Sales and Display

An individual establishment having a gross building floor area in excess of 24,000 square feet and a minimum lot located upon a land area of at least four acres may have a second freestanding sign providing 50% of the land area is utilized for outdoor sales, display and storage of merchandise.

The second freestanding sign shall not exceed 125 square feet in area, 24 feet in height above the building first floor elevation, and have a minimum separation of 200 feet from the principle freestanding sign.

An individual establishment is not eligible for a second freestanding sign as promulgated by this subsection if:

1. It is utilizing nonconforming signs on the premises; and/or
2. The additional sign would be located within 150 feet of residentially zoned property; and/or
3. It is located on a corner lot and qualifies for a second freestanding sign as promulgated by Section 34-140.3.A.2.a of this ordinance.

d. Wall/Freestanding Sign Tradeoff

An individual or clustered establishment may be entitled to one additional freestanding identification sign if the building owner, or a duly authorized agent, agrees in writing to forego all permitted wall signs and the additional freestanding sign is consistent with the following standards:

1. The additional freestanding sign shall consist of individual letters or cutouts, each affixed to a masonry retaining or landscape type wall structure which is no higher than 6' above ground level;
2. The masonry retaining or landscape type wall structure may not be located in the required greenstrip area or a parking lot and must be within 50' of one of the walls of the principal building on the property;

3. The area of the individual letters or cutouts which are affixed to the masonry retaining or landscape type wall structure may not exceed 1/3 of the area of the permitted freestanding sign allowed for the property, per Table 34A of this ordinance; and
4. The individual letters or cutouts may not be internally lit, or backlit, and may only be illuminated by indirect lights such as a spotlight or floodlight which is consistent with Section 35-712 of the City Ordinances.

e. Development Complex

In addition to the freestanding identification signs otherwise allowed by this ordinance, every multiple building development complex shall be entitled to one freestanding sign per street front, at a maximum size of 145 sq. ft., at a height not to exceed 15 ft. to identify a development complex. No tenant or business identification shall be permitted on a development complex sign. Any freestanding sign otherwise permitted under this ordinance may identify the name of the development complex.

3. Roof Signs

Each establishment or enterprise eligible for a freestanding sign may instead elect to have a roof sign for identification (in lieu of a freestanding identification sign), provided that the sign does not extend more than six (6) feet above the roof line or more than the respective height as prescribed in Table 34A, whichever, is lesser, and further provided that the sign does not exceed respective area as prescribed in Table 34A.

4. Canopy Signs

Individual and clustered establishments or enterprises and multistory office buildings may have canopy signs, to be considered a type of wall sign, if the following conditions are met:

- a. The canopy meets building wall setback requirements from respective property lines.
- b. The canopy structure is attached to the building wall and is deemed by the Building Official to be an integral part of the building.

- c. The primary function of the canopy is to provide an outside cover or shelter for pedestrians as opposed to automobiles.
- d. The sign does not extend or project above the top of the canopy.
- e. The sign is placed on that elevation of the canopy which is parallel to the wall to which it is attached.
- f. The area of the sign for individual and clustered establishments does not exceed thirty percent (30%) of the canopy face or elevation which is parallel to the wall to which it is attached. The area of the sign for a multistory office building does not exceed ten percent (10%) of the canopy face or elevation which is parallel to the wall to which it is attached.
- g. The sign in all other respects is consistent with the provisions of this ordinance for wall signs.

5. Gasoline Service Stations

In addition to other signery permitted by this section of the ordinance, gasoline service stations shall be entitled to a freestanding informational sign on each pump island. The size of the sign shall not exceed 20 square feet in area and have a height no greater than 15 feet.

B. Commercial (C1 and C1A) Districts

1. Wall Signs and Projecting Signs

a. Individual Establishments

Individual detached establishments or enterprises not clustered in a multitenant building may have identification wall signs or projecting signs on each wall, provided the aggregate area of such signs does not exceed 10% of the area of the wall supporting the signs.

b. Clustered Establishments

Attached establishments or enterprises clustered in a multitenant building may have wall signs and projecting signs subject to the following:

- i. Each establishment or enterprise may have wall or projecting signs on each of its exterior walls provided the aggregate of such signs does not exceed 10% of the area of the wall supporting the signs;
- ii. In lieu of the above, the aggregate of the establishments or enterprises may have a wall or projecting sign on each wall identifying the tenants collectively or identifying the complex or building; provided the areas of each sign does not exceed 10% of the area of the wall supporting it.

c. Multistory Office Building

Multistory office buildings may have a wall or projecting sign identifying the building on each wall provided the area of such sign does not exceed 10% of the area of the wall supporting the sign.

2. Freestanding Signs

a. Individual and Clustered Establishments

Individual detached establishments or enterprises and the aggregate of attached establishments or enterprises clustered in a multitenant building may have one freestanding sign with a maximum area of 72 square feet. The sign shall not extend more than 20 feet above ground level. In the event an establishment or multitenant building abuts two or more streets which are at least collector or arterial in character, one such freestanding sign may be erected along each such street. Establishments or multitenant buildings entitled to a second freestanding sign may elect to have a single freestanding sign of up to 108 square feet, provided the single sign is located along a collector or arterial street.

b. Development Complex

In addition to the freestanding identification signs otherwise allowed by this ordinance, every multiple building development complex shall be entitled to one freestanding sign per street front, at a maximum size of 145 sq. ft. at a height not to exceed 15 ft. to identify a development complex. No tenant or business identification shall be permitted on a development complex sign. Any freestanding sign otherwise permitted under this ordinance may identify the name of the development complex.

3. Canopy Signs

Individual and clustered establishments or enterprises and multistory office buildings may have canopy signs, to be considered a type of wall sign, if the following conditions are met:

- a. The same conditions for canopy signs as set forth in Section 34-140.3.A.4, paragraphs (a) through (e) are met.
- b. The area of the sign does not exceed ten percent (10%) of the canopy face or elevation which is parallel to the wall to which the canopy is attached.
- c. The sign in all other respects is consistent with the provisions of this ordinance for wall signs.

C. Residential (R1 through R7) Districts

1. Home occupations and special home occupations in the R1, R2, and R3 districts may have one freestanding or wall sign per dwelling, the maximum size area not to exceed 2.5 square feet and the height above ground not to exceed six feet. However, signs for home occupations located along a major thoroughfare, as defined in Section 35-900, may be as large as six square feet.
2. Multiple family dwellings may have the following signs:
 - a. One wall sign per building not to exceed 10 square feet in area.
3. Cluster developments or complexes in R3 through R7 districts involving not less than 36 dwelling units shall be entitled to one of the following options at each major entrance not to exceed a total of two entrances:
 - a. One freestanding sign no greater than 36 square feet in area and extending not more than 10 feet above ground level.
 - b. Two identical freestanding signs located at opposite sides of the entrance each not greater than 18 square feet in area and each not more than five feet above ground level.

D. Public Uses (All Districts Where Public Uses Are Allowed)

1. Freestanding Signs

- a. One freestanding sign with the sign area not to exceed 36 square feet. The sign shall not extend more than 10 feet above the ground level. There may be a second such sign if the use abuts two or more streets. Properties entitled to a second freestanding sign may elect to erect a single freestanding sign not exceeding 72 square feet in area nor 15 feet in height.

2. Wall Signs

- a. One wall sign not to exceed 36 square feet.
- b. One wall sign immediately above or beside each public entrance to that part of the building that is used as a school and meets the requirements of the Minnesota Department of Education, or as a day care facility and is licensed by the Minnesota Department of Public Welfare. The sign area shall not exceed 10 square feet.

3. Dynamic Message Signs (DMS)

A DMS owned or operated by a Public Use located in all districts where Public Uses are allowed may be approved by a special use permit. The procedure for approving said permit shall be as set forth in Section 35-220 and the DMS shall meet the following additional standards:

- a. The DMS shall only be allowed on a freestanding sign aligned perpendicular to the adjacent roadway system. This roadway must either be a collector or arterial street as identified in the City's Comprehensive Plan.
- b. The area of a DMS sign is limited to an area equal to 50% of the maximum allowable size of the freestanding sign.
- c. The DMS message must remain stationary or static for 8 seconds or more.
- d. The DMS shall be located no closer than 50 feet from any residential dwelling.
- e. The DMS must have dimming technology that automatically adjusts its brightness in direct correlation with ambient light conditions. Brightness shall not exceed 0.3 foot-candles above ambient light as measured from a preset distance depending on the sign size, as indicated in the table below:

DMS Sign Measurement Distance	
AREA of SIGN (sq. ft.)	MEASUREMENT (Distance – ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
Measurement Calculation = $\sqrt{\text{Sign Area} \times 100}$	

Section 34-150. SIGN PERMITS. No sign shall hereafter be erected, re-erected or altered unless a permit for each such sign has been obtained or unless permitted by Section 34-140.2 of this ordinance. In addition, electrical permits shall be obtained for all electric signs. Application for a sign permit shall be made in writing upon forms furnished by the Building Inspector.

Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor or erector. The Building Inspector may require filing of plans or other pertinent information where, in his opinion, such information is necessary to insure compliance with this ordinance.

Section 34-151. SIGN PERMIT FEES. A cash fee in an amount set forth by City Council resolution shall be collected before the issuance of any sign permit for which fees are required under the provisions of this ordinance.

Section 34-160. SIGN HANGER'S LICENSE.

1. No person, firm or corporation shall engage in the business of erecting, altering, extending, repairing or maintaining signs or sign structures within the City of Brooklyn

Center, without first having procured a license therefor except that the owner, lessee or occupant of the property upon which the sign is located may perform the actual work himself provided he has acquired a permit for the sign.

2. The fee for a sign hanger's license shall be as set forth by City Council resolution, and the license shall run from May 1 to April 30 of the following year.
3. No license shall take effect until the licensee shall file with the City Clerk a bond with corporate surety in form approved by the City Attorney in the penal sum of two thousand dollars (\$2,000) conditioned that the licensee will pay all permit fees required under this ordinance, pay any fines imposed upon him for violation thereof, will conform to all provisions of this ordinance and will indemnify and hold the City, its officers and agents harmless from any damages or claim resulting from or related to the erection or maintenance of any sign in the City by the licensee.

Section 34-170. APPEALS. In order to secure relief where it is alleged that an administrative officer of the City has committed an error in interpretation of judgment in issuing an order or making a determination, any person may appeal said order or determination consistent with the provisions of Section 35-251 of the City Ordinances.

Section 34-180. VARIANCES (ADJUSTMENTS). The procedure for obtaining a variance from the requirements of this ordinance shall be the same as set out in Section 35-240 of the Ordinances of the City of Brooklyn Center.

The Board of Adjustments and Appeals may recommend and the City Council may grant variances from the literal provisions of this ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique and distinctive to the specific property or use under consideration. The provisions of this ordinance, considered in conjunction with the unique and distinctive circumstances related to the property or uses thereof must be the proximate cause of the hardship; circumstances caused by the property owner or the applicant or a predecessor in title shall not constitute sufficient justification to grant a variance. A variance may be granted by the City Council after demonstration by evidence that all of the following qualifications are met:

1. A particular hardship to the owner would result if the strict letter of the regulations were carried out;
2. The conditions upon which the application for a variance is based are unique to the parcel of land or the use thereof for which the variance is sought and are not common, generally to other property or uses thereof within the same zoning classification;
3. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

Section 34-190. ENFORCEMENT. It shall be the responsibility of the City Manager to cause the requirements of this ordinance to be properly enforced and to administer the same.

Section 34-200. SEPARABILITY AND VALIDITY. Every section, provision, or part of this ordinance is declared separable from every other section, provision, or part to the extent that if any section, provision or part of the ordinance shall be held invalid, it shall not invalidate any other section, provision, or part thereof.

Section 34-210. PENALTIES. It shall be unlawful for any person, firm or corporation to erect, alter, repair, move, equip, or maintain any sign or sign structure or cause or permit the same to be done in violation of any of the provisions of this ordinance. Whoever does any act or omits to do any action which thereby constitutes a breach of any section of this ordinance shall, upon conviction thereof by lawful authority be punished by a fine not to exceed one thousand dollars (\$1,000) or imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution. No provision of this ordinance designating the duties of any official or employee of the City shall be so construed as to make such official or employee liable for the penalty provided in this section for failure to perform such duty, unless the intention of the City Council to impose such penalty on such official or employee is specifically and clearly expressed in the section creating the duty.

Section 34-211. MAINTENANCE. All signs shall be kept in good repair and free from faded or peeling paint, rust, damaged or rotted supports, framework or other material, broken or missing faces or missing letters. Any structure from which a sign has been moved or removed shall be repaired with materials and/or painted or stained to match the existing background.